IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.876 OF 2007

Sambhajirao B.Patil .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.Y.S.Jahagirdar, Sr.Advocate with Mr.Vineet Naik i/by Ms.Varsha Palav for the Petitioner.

Mr.V.A.Sonpal AGP for Respondent Nos.1 & 2.

Mrs.S.V.Bharucha for Respondent No.4.

Mr.V.A.Thorat, Sr.Advocate with Ms.Rani Shukla for Respondent Nos.5 to 10.

Mr.C.J.Sawant, Sr.Advocate with Mr.Vijay Patil for Respondent Nos.11 to 19.

Mrs.S.V.Bharucha for Respondent No.4.

CORAM : DR.S.RADHAKRISHNAN & V.C.DAGA, JJ.

DATE : 22nd March, 2007.

P.C.:

1. Heard the learned Counsel for the Petitioner, the learned Government Pleader for Respondent Nos.1 and 2, the learned Counsel for Respondent No.4, the learned Counsel for Respondent Nos.5 to 10 and the learned Counsel for Respondent Nos.11 to 19.

2. By this Petition, the Petitioner is challenging the Resolution dated 10.1.2007 passed by the Multi State Co-operative society whereby the Petitioner has been removed from the post of the Managing Director.

3. The learned Counsel for the Respondents strongly

contended that this Court cannot entertain the Petition under Article 226 of the Constitution of India, with regard to grievance which is purely private in nature and remedy under Article 226 is pre-eminently a public law remedy, which cannot be resorted to in this case. The learned Counsel for the Respondents relied upon the Full Bench decision of our High Court in the case of **Shamrao Vitthal Co-operative Bank Limited & Anr.V/s.Padubideri Pattabhiram Bhat and Anr.- 1993 Mh.L.J.1,** wherein it is held that, "a Co-operative Society registered under the provisions of the Maharashtra Co-operative Act, 1960 and under the Multi-State Co-operative Societies Act, 1984 carrying on business of banking and governed by the Banking Regulation Act, 1949 is not "State" under Article 12 of the Constitution of India". In view of the same, this Petition is not maintenable. Similarly, the Supreme Court in **Binny Ltd. and Another V/s.Sadasivan and Ors (AIR 2005 Supreme Court 3202)** has also held that remedy under Article 226 is pre-eminently a public law remedy and the same cannot be used as a remedy against a private wrong.

3. Under the aforesaid facts and circumstances, we are not inclined to entertain the present Petition with regard to an alleged private wrong. We therefore dismiss the Petition. The Petitioner is at liberty to redress his grievance by adopting appropriate proceedings before an appropriate forum.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN,J.)**